

By Senator Davis

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1 A bill to be entitled
2 An act relating to special elections; amending s.
3 99.012, F.S.; requiring that a written resignation be
4 submitted by an officer within a specified timeframe
5 if such officer is filling a vacancy caused by a
6 certain resignation; providing construction; amending
7 s. 100.111, F.S.; revising the timeframe during which
8 a vacancy that occurs in an elective office must be
9 filled by candidates qualifying within the timeframes
10 provided by general law; requiring, rather than
11 authorizing, the Governor to call a special primary
12 election under a certain circumstance; requiring the
13 Governor to fix the dates of the special election
14 within a specified timeframe after the vacancy occurs;
15 requiring the Governor to consult with the Secretary
16 of State and the applicable supervisor before setting
17 the special election dates; requiring that such dates
18 be the earliest dates feasible; deleting the authority
19 of the Governor, the President of the Senate, and the
20 Speaker of the House of Representatives to waive
21 specified timeframes if all parties concur; requiring
22 that a special election be held within a specified
23 timeframe; providing exceptions; requiring the
24 Governor to fix dates to coincide with an already
25 scheduled election; requiring that special elections
26 to fill certain vacancies be held no later than the
27 election that caused such vacancy to occur; providing
28 that certain persons are deemed elected under
29 specified circumstances; amending s. 101.6952, F.S.;

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30 requiring that vote-by-mail ballots from overseas
31 voters be received before a specified time on election
32 day; creating s. 101.6953, F.S.; requiring supervisors
33 to send a special write-in ballot to absent uniformed
34 services and overseas voters with a specified
35 timeframe; requiring the supervisor to e-mail such
36 voters a certain list as soon as it is available;
37 authorizing voters to indicate their vote in any
38 contest; authorizing the submission of the special
39 write-in ballot or the official vote-by-mail ballot
40 under specified circumstances; requiring the voter to
41 make every reasonable effort to inform the supervisor
42 of multiple submissions; providing that special write-
43 in ballots may not be canvassed until after a certain
44 deadline; requiring that such ballots be canvassed
45 under specified conditions; providing that specified
46 special write-in ballots are invalid and the official
47 vote-by-mail ballot must be canvassed in a specified
48 circumstance; requiring the Department of State to
49 adopt specified rules; amending s. 114.01, F.S.;

50 providing that certain resignations occur upon the
51 officer submitting the resignation; providing an
52 effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Paragraph (c) of subsection (3) and paragraph
57 (c) of subsection (4) of section 99.012, Florida Statutes, are
58 amended, and subsection (9) is added to that section, to read:

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59 99.012 Restrictions on individuals qualifying for public
60 office.—

61 (3)

62 (c) The written resignation must be submitted at least 10
63 days before ~~prior to~~ the first day of qualifying for the office
64 he or she intends to seek, unless the officer seeks to qualify
65 in an election to fill a vacancy caused by a resignation
66 submitted pursuant to this section, in which case the
67 resignation must be submitted at least 5 days before the first
68 day of qualifying.

69 (4)

70 (c) The resignation must be submitted at least 10 days
71 before the first day of qualifying for the office he or she
72 intends to seek, unless the officer seeks to qualify in an
73 election to fill a vacancy caused by a resignation submitted
74 pursuant to this section, in which case the resignation must be
75 submitted at least 5 days before the first day of qualifying.

76 (9) With regard to an elective office, a resignation
77 submitted pursuant to this section creates a vacancy in office
78 to be filled by election. Individuals may qualify as candidates
79 for nomination and election as if the public officer's term was
80 otherwise scheduled to expire.

81 Section 2. Subsections (1) and (2) of section 100.111,
82 Florida Statutes, are amended to read:

83 100.111 Filling vacancy.—

84 (1)(a) If any vacancy occurs in any office which is
85 required to be filled pursuant to s. 1(f), Art. IV of the State
86 Constitution and the remainder of the term of such office is 28
87 months or longer, ~~then~~ at the next general election a person

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88 must ~~shall~~ be elected to fill the unexpired portion of such
89 term, commencing on the first Tuesday after the first Monday
90 following such general election.

91 (b) If such a vacancy occurs before ~~prior to~~ the ninth day
92 before the first day set by law for qualifying for election to
93 office at such general election, any person seeking nomination
94 or election to the unexpired portion of the term must ~~shall~~
95 qualify within the time prescribed by law for qualifying for
96 other offices to be filled by election at such general election.

97 (c) If such a vacancy occurs before ~~prior to~~ the primary
98 election but on or after the ninth day before the first day set
99 by law for qualifying, the Secretary of State must ~~shall~~ set
100 dates for qualifying for the unexpired portion of the term of
101 such office. Any person seeking nomination or election to the
102 unexpired portion of the term must ~~shall~~ qualify within the time
103 set by the Secretary of State. If time does not permit party
104 nominations to be made in conjunction with the primary election,
105 the Governor must ~~may~~ call a special primary election to select
106 party nominees for the unexpired portion of such term and, if
107 necessary, a special election.

108 (2) Whenever there is a vacancy for which a special
109 election is required pursuant to s. 100.101, the Governor,
110 within 5 days after the vacancy occurs ~~after consultation with~~
111 ~~the Secretary of State~~, shall fix the dates of a special primary
112 election and a special election. Nominees of political parties
113 shall be chosen under the primary laws of this state in the
114 special primary election to become candidates in the special
115 election.

116 (a) Before ~~Prior to~~ setting the special election dates, the

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117 Governor shall consult with the Secretary of State and the
118 supervisors of elections ~~consider any upcoming elections in the~~
119 ~~jurisdiction~~ where the special election will be held. The dates
120 fixed by the Governor must ~~shall~~ be the earliest dates feasible,
121 must be specific days certain, and may ~~shall~~ not be established
122 by the happening of a condition or stated in the alternative.
123 The dates fixed must ~~shall~~ provide a minimum of 4 ~~2~~ weeks
124 between each election. ~~In the event a vacancy occurs in the~~
125 ~~office of state senator or member of the House of~~
126 ~~Representatives when the Legislature is in regular legislative~~
127 ~~session, the minimum times prescribed by this subsection may be~~
128 ~~waived upon concurrence of the Governor, the Speaker of the~~
129 ~~House of Representatives, and the President of the Senate.~~

130 (b) The special election must be held no later than 126
131 days after the vacancy occurs, except in the following cases:

132 1. If a supervisor where the special election will be held
133 certifies that holding the special election within the required
134 time period will conflict with scheduled elections so as to
135 impose an undue hardship on the orderly administration of
136 elections, the special election must be held no later than 175
137 days after the vacancy occurs.

138 2. If a vacancy occurs in the office of state senator and
139 no session of the Legislature is scheduled to be held before
140 ~~prior to~~ the next general election, the Governor may fix the
141 dates for the special primary election and for the special
142 election to coincide with the dates of the primary election and
143 general election.

144 3. If a vacancy in office occurs in any district in the
145 state Senate or House of Representatives or in any congressional

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146 district, and no session of the Legislature, or session of
147 Congress if the vacancy is in a congressional district, is
148 scheduled to be held during the unexpired portion of the term,
149 the Governor is not required to call a special election to fill
150 such vacancy.

151 (c) If possible, the Governor must fix dates to coincide
152 with scheduled elections where the special election will be
153 held. A special election held to fill a vacancy caused by a
154 resignation submitted pursuant to s. 99.012 must be held no
155 later than the election for which the resigning officer seeks to
156 qualify.

157 (d)~~(a)~~ The dates for candidates to qualify in such special
158 election or special primary election must ~~shall~~ be fixed by the
159 Department of State, and candidates must ~~shall~~ qualify no ~~not~~
160 later than noon of the last day so fixed. The dates fixed for
161 qualifying must ~~shall~~ allow a minimum of 14 days between the
162 last day of qualifying and the special primary election.

163 (e)~~(b)~~ The filing of campaign expense statements by
164 candidates in such special elections or special primaries and by
165 committees making contributions or expenditures to influence the
166 results of such special primaries or special elections may not
167 ~~shall~~ be ~~not~~ later than such dates as ~~shall be~~ fixed by the
168 Department of State, and in fixing such dates the Department of
169 State shall take into consideration and be governed by the
170 practical time limitations.

171 (f)~~(e)~~ The dates for a candidate to qualify by the petition
172 process pursuant to s. 99.095 in such special primary or special
173 election shall be fixed by the Department of State. In fixing
174 such dates the Department of State shall take into consideration

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175 and be governed by the practical time limitations. Any candidate
176 seeking to qualify by the petition process in a special primary
177 election must ~~shall~~ obtain 25 percent of the signatures required
178 by s. 99.095.

179 (g) ~~(d)~~ The qualifying fees and party assessments of such
180 candidates as may qualify must ~~shall~~ be the same as collected
181 for the same office at the last previous primary for that
182 office. The party assessment must ~~shall~~ be paid to the
183 appropriate executive committee of the political party to which
184 the candidate belongs.

185 (h) ~~(e)~~ Each county canvassing board shall make as speedy a
186 return of the result of such special primary elections and
187 special elections as time will permit, and the Elections
188 Canvassing Commission likewise shall make as speedy a canvass
189 and declaration of the nominees as time will permit.

190 (i) If only one candidate qualifies in a special election,
191 he or she is deemed elected on the last day of the qualifying
192 period. If the winner of a special primary election does not
193 have opposition in the special election, he or she is deemed
194 elected at the special primary election. In either case, the
195 person elected takes office upon election or whenever the office
196 becomes vacant, whichever occurs later.

197 Section 3. Subsection (5) of section 101.6952, Florida
198 Statutes, is amended to read:

199 101.6952 Vote-by-mail ballots for absent uniformed services
200 and overseas voters.—

201 (5) A vote-by-mail ballot from an overseas voter in any
202 presidential preference primary or general election which is
203 postmarked or dated no later than the date of the election and

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204 is received by the supervisor of elections of the county in
205 which the overseas voter is registered no later than 10 days
206 after the date of the election shall be counted as long as the
207 vote-by-mail ballot is otherwise proper. A vote-by-mail ballot
208 from an overseas voter in any primary, special, or special
209 primary election must be received by 7 p.m. on election day.

210 Section 4. Section 101.6953, Florida Statutes, is created
211 to read:

212 101.6953 Special write-in ballots for absent uniformed
213 services and overseas voters.-

214 (1) If the supervisor is unable to send vote-by-mail
215 ballots by the date required by s. 101.62(3)(a), the supervisor
216 shall send, no later than 45 days before an election, a special
217 write-in ballot to each absent uniformed services voter and to
218 each overseas voter who has requested a vote-by-mail ballot as
219 required by s. 101.35(3)(d)2.

220 (2) If a voter has provided an e-mail address, the
221 supervisor must e-mail the voter the list of all qualified
222 candidates as soon as it is available.

223 (3) A voter may indicate his or her vote pursuant to s.
224 101.6952(2)(b).

225 (4)(a) A voter who submits a special write-in ballot and
226 later receives an official vote-by-mail ballot may submit the
227 official vote-by-mail ballot. A voter who submits a special
228 write-in ballot and later receives and submits an official vote-
229 by-mail ballot should make every reasonable effort to inform the
230 appropriate supervisor that the voter submitted more than one
231 ballot.

232 (b) A special write-in ballot may not be canvassed until

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233 after the deadline to receive a vote-by-mail ballot. Each
234 special write-in ballot received by such deadline must be
235 canvassed pursuant to ss. 101.5614(4) and 101.68, unless the
236 voter's official vote-by-mail ballot is received by such
237 deadline. If the voter's official vote-by-mail ballot is
238 received by the deadline, the special write-in ballot is invalid
239 and the official vote-by-mail ballot must be canvassed.

240 (5) The department shall adopt rules to administer this
241 section including, but need not be limited to, prescribing a
242 uniform special write-in ballot, instructions that each
243 supervisor shall enclose with such ballots instead of the
244 instructions required by s. 101.65, and the format of the e-mail
245 notice required by subsection (2).

246 Section 5. Paragraph (d) of subsection (1) of section
247 114.01, Florida Statutes, is amended to read:

248 114.01 Office deemed vacant in certain cases.—

249 (1) A vacancy in office shall occur:

250 (d) Upon the resignation of the officer and acceptance
251 thereof by the Governor. In the case of a prospective
252 resignation, including a resignation submitted pursuant to s.
253 99.012, the resignation occurs upon the officer submitting the
254 resignation.

255 Section 6. This act shall take effect July 1, 2025.